

From: [Elizabeth Kent](#)
To: [Sen. Karl Rhoads](#)
Cc: [Elizabeth Kent](#)
Subject: Nomination to the Commission to Promote Uniform Legislation
Date: Monday, February 18, 2019 10:13:15 AM

Elizabeth Kent
1746 Akaakoa Street
Kailua, Hawaii 96734
Cell: 352-2776
MeetingExpectationsHawaii@gmail.com

February 18, 2019

The Honorable Karl Rhoads
Chair, Senate Committee on Judiciary
State Capitol
Honolulu, Hawaii 96813

Dear Senator Rhoads:

Re: Nomination to the Commission to Promote Uniform Legislation

Thank you for your letter of February 13, 2019. I am honored to be nominated to serve another term as one of Hawaii's Uniform Law Commissioners. My responses to your questions follow.

1. Please describe your understanding of the role and jurisdiction of the Commission to Promote Uniform Legislation (Commission).

The Commission performs an advisory function. Commissioners are responsible for suggesting ideas that might be considered for uniform laws; studying those ideas and if the ideas are selected, participating on committees to draft laws that will be presented in the states; and working on enactment of acts that are approved by the Uniform Law Commission (ULC). Commissioners need to be in touch with people in Hawaii who might be affected by the suggested uniform laws. In my role as a commissioner I have chosen to be active in some of the internal functions of the ULC such as participating on a committee that is looking at diversity and inclusion in the ULC and another that is monitoring civil litigation and alternative dispute resolution for possible new drafting projects.

2. How do you perceive the role and responsibilities of a member of the Commission?

Commissioners should work with their community to research changes that should be made to existing law for which there is no federal jurisdiction and a need for uniformity between the states; work with other commissioners to research and develop draft acts; review and vet draft acts proposed by ULC drafting committees; and work with the community, the Judiciary and the Legislature to enact uniform laws that would benefit Hawaii.

3. Why do you wish to continue serving as a member of the Commission? Please note if you initially applied to be nominated to the Commission or if you were invited to apply.

Commissioners have a unique opportunity to contribute to developing well-considered laws

that benefit the people of Hawaii and laws are one of the foundations of our society. The Uniform Law Commission process involves research, consideration of differing views, and discussion and dialogue with many different people before a draft act is finalized for consideration by the states. I enjoy this work and think that providing a good legal structure benefits many people. This is a good way for me to give back to the community and state I love. Being a commissioner has been one of the highlights of my legal career.

In my previous terms as a commissioner, I have had the opportunity to be involved in acts involving many different subject matters, ranging from donation of organs as anatomical gifts, to mediation, and foreclosure matters. These laws touch people in their everyday lives and, I hope, help to make difficult situations a little less stressful for people by providing guidance.

When I was first appointed, I was asked to apply to be a commissioner.

4. Please describe why you believe that you are qualified to be a member of the Commission, including your designation as having substantial expertise promoting uniform legislation. Please discuss any skills, expertise, knowledge, or volunteer involvement that would aid in your decision-making ability.

Throughout my terms as a commissioner, I have had the opportunity to learn from other commissioners and have gained a lot of knowledge and experience from working with them. Here are some of the traits I have tried to learn and that I hope I use in my work:

Diligence. Being an effective commissioner requires a lot of research and thought prior to attending meetings. It also requires attention to detail because one misplaced word can change the impact of a draft act.

Collaborative. One of the challenges of Commission work is finding common ground. My background in mediation and dispute resolution helps me bring people together to collectively find solutions to sticky problems, both at the drafting table and during the legislative process.

Appropriate patience, tempered with tenacity. The ULC drafting process is not quick. People come to it with different levels of understanding and readiness to approach the issues. I try to bide my time and bring up important points at the most opportune time.

My background is different than many commissioners in the ULC. Many commissioners are in private practice, professors at law schools, and judges. Not many of us have worked in administration in the judicial and executive branches of state government and this brings a different viewpoint to the discussions.

Over the course of my life in Hawaii I have volunteered with many different groups, most of them related to human services. I hope that my ties with those groups are useful when bills are introduced in those subject matter areas.

5. What are some of your accomplishments as a member of the Commission and what would you like to accomplish during an addition term?

For the past 25 years I have worked in the field of Alternative Dispute Resolution (ADR). I am proud that since I became a commissioner I have been on each committee that addressed an ADR topic and that Hawaii has enacted three acts I worked on, in mediation, collaborative law, and family law arbitration. I believe these provide a strong structure for resolution

outside the courts.

Passage of the Revised Anatomical Gifts Act was particularly meaningful to me. In my work on this bill I met people whose lives had been changed because they had received a donation and their stories touched me. Passage of the Prudent Management of Institutional Funds Act was also particularly meaningful because of the way the community came together to work on support for the uniform act and because of the process we used to work together to support the work on non-profits.

I would like to increase diversity in membership in the ULC, encourage more diversity in commissioners regarding their participation in drafting and study committees and get more commissioners involved in this work, and promote more robust conversations and diverse views at and in study and drafting committee work.

Recently I helped start a "scholarship" at the Uniform Law Foundation (ULF) that enables observers who cannot afford to attend a drafting committee meeting to ask for financial assistance. At my request the ULF agreed to match donations up to \$50,000. I believe the fund has surpassed the \$50,000 mark and understand that one person has already attended a meeting with the assistance. The purpose of this is to bring more diverse ideas to the discussions. Starting the fund and ensuring that it continues was a major accomplishment for me.

**6. What issues do you believe that the Commission has handled well in the past?
What issues do you believe that the Commission should address in the future?**

The Hawaii commissioners are a wonderful team. We have different backgrounds and areas of expertise and our diversity is a strength. I believe we work together well. I believe we effectively divide the Commission's work and are able to cover a lot of ground with relatively few commissioners. For a small state, we have a large footprint.

The biggest issue the ULC faces is a lack of diversity. The composition of the ULC as a whole does not mirror the demographic composition of the United States or of the bar. I believe the lack of diversity must be addressed because I think the best laws are drafted when many different viewpoints are considered.

7. During your service on the Commission, were there possible conflicts of interests involving you that arose? How were those potential conflicts addressed? If you were to continue to serve, can you foresee any other possible conflicts involving you?

I don't think there were any conflicts of interest in my past service and do not anticipate any conflicts of interest with future service as a commissioner.

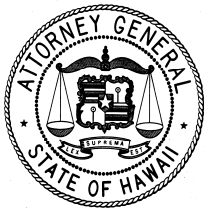
8. Is there any other information regarding your experience and background that you believe should be considered for your nomination?

Participating as a commissioner has given me an opportunity to contribute in a meaningful way to the community that I love and I hope to I may continue my work. Through my past service I have learned a lot that will help me be as effective as possible if I am appointed to another term.

Thank you for your consideration of my nomination. Please let me know if there are any questions I can answer that will help you to make a positive decision on my nomination.

Yours,

Elizabeth Kent



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2019**

ON THE FOLLOWING MEASURE:

G.M. NO. 544, SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE COMMISSION TO PROMOTE UNIFORM LEGISLATION, GUBERNATORIAL NOMINEE, ELIZABETH KENT, FOR A TERM TO EXPIRE 06-30-2022.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Tuesday, April 2, 2019

TIME: 10:00 a.m.

LOCATION: State Capitol, Room

TESTIFIER(S): Clare E. Connors, Attorney General, or
Dana O. Viola, First Deputy Attorney General, or
Maurice S. Kato, Deputy Attorney General

Chair Rhoads and Members of the Committee:

The Attorney General supports the reappointment of Elizabeth Kent to the Commission to Promote Uniform Legislation ("CPUL") of the Department of the Attorney General.

The CPUL is advisory to the Attorney General and to the Legislature on matters pertaining to uniform legislation. Members of this state commission are Hawaii's representatives to the National Conference of Commissioners on Uniform State Laws, which is also referred to as the "Uniform Law Commission." The National Conference requires that each appointed commissioner be a lawyer licensed to practice law and that each commissioner personally attend and participate in its annual meeting.

Commissioner Kent is a lawyer licensed to practice law in Hawaii. She has served as the Deputy Director of Human Services in the Executive Branch and is the retired Director of the Center for Alternative Dispute Resolution in the Judiciary. Commissioner Kent is committed to promoting uniform legislation and has attended and actively participated in the meetings of the CPUL and of the National Conference since her initial appointment in 1998. Since her last appointment in 2014, Commissioner Kent has attended the annual meetings of the National Conference held during the summer

in Chicago, Illinois, in Vail, Colorado, in Nashville, Tennessee, and in Boston, Massachusetts.

Commissioner Kent served as a member of the National Conference's Standby Committee on a Uniform Collaborative Law Act, the Study Committee on Uniform Family Law Arbitration Act, the Study Committee on a Model Veterans Court Act, the Study Committee on Firearms Information, the Joint Study Committee on Harmonization of the Law of Canada, Caribbean Nations, and the United States Concerning Registration of Foreign Judgments, the Drafting Committee on Uniform Family Law Arbitration Act, the Drafting Committee on a Home Foreclosure Procedures Act, the Standby Committee on Uniform Family Law Arbitration Act, the Drafting Committee on Model Veterans Court Act, the Standby Committee on Uniform Home Foreclosures Act, the Committee to Monitor Developments in Civil Litigation and Dispute Resolution, the Study Committee on Adverse Possession, the Standby Committee on Model Veterans Treatment Court Act and Veterans Treatment Court Rules, and the Enactment Committee for Model Veterans Treatment Court Act and Veterans Treatment Court Rules. She attended committee meetings on the mainland, did research and drafting on various acts, and spent time researching, preparing for meetings, drafting letters, and making telephone calls regarding different uniform acts. She also wrote articles on the activities of the CPUL for the Hawaii State Bar Association journal and generally assisted with promoting uniform state laws.

In view of her demonstrated commitment to the promotion of uniform legislation and her continuing participation in the activities of the National Conference of Commissioners on Uniform State Laws and of the CPUL, Elizabeth Kent's continued service as a member of the CPUL and of the National Conference will be beneficial to the State of Hawaii and the National Conference. Consequently, the Attorney General respectfully requests that this Committee recommend the confirmation of the reappointment of Elizabeth Kent to the CPUL.

Peter J. Hamasaki
P.O. Box 2800
Honolulu, Hawaii 96813

March 29, 2019

Honorable Karl Rhoads, Chair
Honorable Glenn Wakai, Vice-Chair
Committee on Judiciary
The Senate
State Capitol
415 South Beretania Street
Honolulu, Hawai'i 96813

Re: GM 544 Submitting for consideration and confirmation to the
Commission to Promote Uniform Legislation, Gubernatorial Nominee,
ELIZABETH KENT, for a term to expire 06-30-2022

Dear Chair Rhoads, Vice-Chair Wakai and Committee Members:

I would like to express my **strong support** for the re-nomination of ELIZABETH KENT, GM No. 544, to continue to serve as a member of the State of Hawai'i Commission to Promote Uniform Legislation ("Commission").

Since 2005, I have served with Commissioner Kent on the Commission and had the opportunity to observe her strong commitment to representing the State of Hawai'i. Because of her prior work with the Hawai'i Judiciary's Center on Alternative Dispute Resolution and her current work on in this area, Commissioner Kent has been particularly instrumental in working on uniform laws relating to mediation and arbitration. Commissioner Kent has participated in numerous Uniform Law Commission drafting committees and been very active in working at the State level on uniform laws.

For the foregoing reasons, I hope that you will favorably consider Commissioner Kent's nomination for reappointment to the Commission. Thank you for your consideration.

Very truly yours,



Peter J. Hamasaki

GM-544

Submitted on: 3/29/2019 1:22:18 PM

Testimony for JDC on 4/2/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Chad Taniguchi	Individual	Support	No

Comments:

Elizabeth Kent has had a successful 30-plus year career as a lawyer, state department deputy director and mediator. She is currently working on uniform laws and would

represent Hawaii well on the commission.

March 29, 2019

COMMITTEE ON JUDICIARY
Senator Karl Rhoads, Chair
Hawaii State Capitol
Honolulu, Hawaii 96813

Re: GM 544
DATE: Tuesday, April 2, 2019
TIME: 10:00 a.m.
PLACE: Conference Room 016
State Capitol
415 South Beretania Street
Nomination of Elizabeth Kent to the Commission to Promote
Uniform Legislation

Dear Senator Rhoads:

I write this letter in enthusiastic support of **Elizabeth Kent's** nomination to the Commission to Promote Uniform Legislation ("CPUL"). As a member of the CPUL, Elizabeth acts as a representative of the State of Hawaii to the Uniform Law Commission, the national organization responsible for drafting many of the uniform laws enacted throughout the country.

Elizabeth has been a member of the CPUL for several terms. As is the case with all other Commissioners, she receives no compensation for her time. Yet she freely and enthusiastically gives many, many hours of her time in service to her position. During the year, she attends drafting committee meeting of the national organization, acts as a liaison between the national organization and local interest groups, and provides testimony to our Legislature on uniform laws which are being considered for enactment.

As a further sign of her commitment and sense of responsibility, she has in the past attended the annual meeting of the Uniform Law Commission even when the State of Hawaii had no funds in its budget to pay for this expense. Elizabeth utilized her own resources for her travel, accommodations, and conference fees for this week long conference, representing the State of Hawaii.

Please be assured that this week-long event is a working conference, and even when the State's budget allows for attending this meeting, the attendee

COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

March 29, 2019

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must give up his/her work or vacation time to attend. During the conference, attendees spend each day in plenary meetings or committee meetings, during which various uniform laws are considered, discussed, and worked on.

At the end of the conference, each State delegation is called upon to vote for or against the uniform or model acts then under consideration. Elizabeth's presence at the conference ensured that our State was represented and its voice heard. The fact that she gave up her time and personal resources to represent our State at this important event is a tribute to both her dedication and her recognition of the importance of the work of the conference to our State.

Elizabeth Kent is a great asset both to the State of Hawaii and to the Commission to Promote Uniform Legislation, and I hope you will not hesitate to confirm her appointment to a new term.

Very truly yours,

KEVIN P.H. SUMIDA

Ken H. Takayama
5567 Pia Street
Honolulu, HI 96821

Governor's Message 544

**Confirmation of ELIZABETH KENT to the
Commission to Promote Uniform Legislation**

**Presented to the Senate Committee on Judiciary
Thirtieth State Legislature, Regular Session of 2019**

Monday, April 2, 2019

Chair Rhoads and Members of the Committee:

My name is Ken Takayama, and I am a member of the Commission to Promote Uniform Legislation. Thank you for this opportunity to testify in **strong support** of the confirmation of Elizabeth Kent to the Commission to Promote Uniform Legislation for a term to expire on June 30, 2022.

I have had the pleasure of serving with Elizabeth on the state commission for the past twenty years. I can say without reservation that she has been a hard working, conscientious, and dedicated member during that entire time. Her intellectual acumen and personable demeanor make her highly effective in accomplishing the goals of both the state commission as well as the national Uniform Law Commission. This has been demonstrated through her participation in drafting committees, interaction with commissioners from other states and members of the local bar, as well as the commission's legislative efforts. In short, we could not ask for a better commissioner.

Thank you very much for this opportunity to testify.

Ken H. Takayama
Commissioner
Commission to Promote Uniform Legislation

TO: The Honorable Karl Rhoads, Chair and
Members of the Senate Judiciary Committee

FROM: Livia Wang

Testimony in Support of GM 544

Hearing date: April 2, 2019

I am in support of Elizabeth Kent's re-appointment to the Commission to Promote Uniform Legislation. I have known Ms. Kent for over 30 years. We are classmates from the William S. Richardson School of Law, class of 1985, and during my tenure at the Hawaii Civil Rights Commission, I worked with Ms. Kent to develop the HCRC's voluntary mediation program.

Ms. Kent is and will continue to be an asset to the Commission to Promote Uniform Legislation. She is very knowledgeable and experienced in drafting administrative rules and legislation. She is a thoughtful and creative thinker and puts her best effort into every project she works on. In addition, she works well with groups of people - she is a good listener, is respectful and considerate of different opinions, is confident and calm in expressing her own thoughts, and is a great problem solver.

For these reasons, I encourage you to confirm Ms. Kent's appointment.

GM-544

Submitted on: 3/31/2019 10:02:57 PM

Testimony for JDC on 4/2/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Keith Yamamoto	Individual	Support	No

Comments:

TO: Senator Karl Rhoads, Chair
Senator Glenn Wakai, Vice Chair
And Members, Senate Committee on Judiciary

RE: Testimony in support of **GM 544**, submitting for consideration and confirmation to the Commission to Promote Uniform Legislation, Gubernatorial Nominee, ELIZABETH KENT, for a term to expire 06-30-2022

HEARING: Tuesday, April 2, 2019, 10:00 a.m., Conference Room 016

I am pleased to submit this testimony in support of the nomination of ELIZABETH KENT to serve another term on Hawaii's Commission to Promote Uniform Legislation ("CPUL").

All of the commissioners on the CPUL serve as commissioners to the Uniform Law Commission ("ULC"), also known as the National Conference of Commissioners on Uniform State Laws, which is a body of attorneys from all States who spend countless hours, without pay, to develop proposed laws to be enacted in all States. ULC's goal is to provide uniformity in the laws among the States without sacrificing control to the federal government.

A commissioner's duties are two-fold: First, the commissioner needs to participate in the drafting of uniform laws, including the careful review and consideration of their provisions on a line-by-line, and sometimes, word-by-word, basis. Secondly, the commissioner needs to work with the legislature of his or her State to get uniform laws enacted.

As a fellow commissioner on the CPUL, I know that Elizabeth has enthusiastically and diligently fulfilled those duties during her terms as a commissioner. She not only serves on several drafting committees which prepare new acts during the year for the consideration of all commissioners at the annual summer meeting of ULC, she also reviews the drafts of other acts to raise questions and make suggestions during the floor sessions at the summer meeting. She is well regarded among the ULC commissioners for her thoughtful and helpful comments.

Elizabeth has been a key member of CPUL for contacting groups and individuals who may be interested in new uniform acts in order to get their input, not only during the drafting process, but also prior to CPUL's decision to ask for the introduction of a uniform act in the Hawaii Legislature. She also prepares testimony in support of uniform acts, and she always makes herself available to provide background information to any parties interested in a uniform act.

I have no reservation in supporting the nomination of Elizabeth Kent for an additional term on the CPUL. Elizabeth has been and will continue to be an outstanding commissioner on the CPUL and an outstanding representative of Hawaii to the ULC. I urge you to recommend that the Senate confirm her nomination.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lani L. Ewart".

Lani L. Ewart
Chair and Member,
Commission to Promote Uniform Legislation

TESTIMONY OF ROBERT TOYOFUKU IN SUPPORT OF THE NOMINATION OF
ELIZABETH KENT TO THE COMMISSION TO PROMOTE UNIFORM
LEGISLATION

April 2, 2019

To: Chairman Karl Rhoads and Members of the Senate Committee on Judiciary:

My name is Bob Toyofuku and I am a commissioner (life member) from Hawaii to the National Conference of Commissioners on Uniform State Laws. I am testifying in strong support of Elizabeth Kent for another term as a Hawaii Commissioner.

Elizabeth has not only been a very committed member here at home but is also a very active commissioner at the national level. She has been a member of the National Conference since 1998 and currently participates as a member of several drafting committees; namely, Family Law Arbitration Act, Veterans Treatment Court Act, Collaborative Law Rules and some others. She has formed excellent relationships with other commissioners in her many years with the national conference and has clearly represented Hawaii well.

Her background with the Hawaii Judiciary in Dispute Resolution has served her well in the Conference because of the various Acts dealing with mediation and arbitration.

I also am a member of the Legislative Council of the Legislative Committee at the National Conference and can always depend upon Elizabeth for meaningful input on legislative issues. I wholeheartedly support her nomination to the Commission and urge this committee and the Hawaii State Senate to confirm her.

Thank you for the opportunity to testify.

GM-544

Submitted on: 4/1/2019 11:34:18 AM

Testimony for JDC on 4/2/2019 10:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
N Ralston	Individual	Support	No

Comments:

I strongly support the nomination of Ms. Elizabeth Kent to the Commission to Promote Uniform Legislation.

I have known Elizabeth for over 20 years and it is an honor to be a friend of a woman who is competent, compassionate, honest, fair, of unquestionable character, always open to constructive criticism, and dedicated to public service.

Professionally, Elizabeth and I worked together on various projects including a robust criminal justice planning initiative to improve the justice system response to domestic violence victims in the State of Hawai'i. Elizabeth's facilitation acumen, integrity, sound judgement, and professionalism are beyond reproach. Elizabeth delivered high quality work on all projects.

Over the years, Elizabeth and I have become friends. I have witnessed her consistent commitment to the local community, the State of Hawai'i, her family and friends, and to making the world a better place.

Elizabeth will be a valuable asset to the Commission to Promote Uniform Legislation. Her collaborative attitude, knowledge of issues, and range of experience will enable the Commission to fulfill its responsibilities and mission.

Sincerely,

Nancy Ralston, Planner